

**BILLINGS COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING – JUNE 7, 2016**

The meeting was called to order at 9:00 A.M. with Commissioners Arthaud, Kasian, and Kessel in attendance.

Others present during portions of the meeting were: Larry Heilmann, Lynn Wolff, Leo Schneider, Harold Kubischta, Fintan Dooley, Stacey Kessel, Jade Renshaw, Carlos Garcia, Tom Williams, Glenn Baranko, Anthony Kessel, Wendy Ross, Pat Hedstrup, Holly Sandbo, Pat Ashley, Edward Martinez, Andrew Haffner, Sharon Johnson, Steven Klym, Danielle Richard, Anita Adams, Allan Richard, Eric Richard, Kevin Uttech, David Richard, Tim Hendricks, Brian Rosendahl, Linda Weiss, Dan Hedrington, Scott Lange, Corinne Lee, Karen May, Jan Swenson, Rob Sand, Andrew Clarke, Terry Johnson, Anthony Krebs, Roger Kessel, Tom Toelley.

Kessel moved to approve the minutes from the May 3, 2016 regular meeting. Arthaud seconded. All voted aye.

Auditor Lamb went over the funding that came in during the month of June including the BankHead Jones funds that decreased by roughly \$2,300,000 from 2015. She also went over historical road and bridge revenues and expenditures and 2016 fiscal year to date and the surge funding from the state.

The board reviewed a maintenance agreement with the forest service on Upper Magpie. Chairman Arthaud signed the agreement.

Discussion ensued regarding the previous meeting agreement of the removal of the Myers pit that the Forest Service had approved prior to them notifying Game and Fish. When they were notified, a finding of impact on the bighorn sheep lambing area was found. The agreement removing the Myers pit from the approved permit was signed by Chairman Arthaud.

The board reviewed zoning requests that had been addressed by the zoning board at their May 19, 2016 meeting as follows:

Tax & Zoning Director Stacey Swanson presented a formal request from Steve Klym regarding rezoning a 6.44 acre tract in the NW1/4 of 23-140-100 (1310 134th AVE SW) from commercial to agricultural. The tract is no longer used for a commercial business and is part of his ranching operation. The zoning board approved the rezoning application. Kessel moved to uphold the zoning board decision. Arthaud seconded. All voted aye.

The board received and approved the following ARW permit with road superintendent conditions:

- Greg Kessel – Section 12-139-100 along 37th Street.

Zoning Director Swanson stated that three people expressed interest in being appointed to the zoning board. Kessel moved to appoint Steven Klym to a four year term on the zoning board. Arthaud seconded. All voted aye.

Chairman Arthaud stated that he had invited the ND Health Department to the meeting to discuss the Meridian application. They are scheduled to meet at 10:30AM.

Sheriff Pat Rummel presented the April and May Sheriff's report.

Director Keri Rummel discussed the job description for the joint paramedic with the City of Medora. Sheriff Rummel and Ambulance Director Keri Rummel will be moving north of Fairfield and she requested that the job description for the director allow for the Deputy Ambulance Director, Mitch Gilseth be allowed to move into the housing in the City of Medora. Kasian moved to allow the job description to be changed to reflect this. Kessel seconded. All voted aye. They will be meeting with the City of Medora later in the day.

Sheriff Rummel then discussed county road permitting with the board.

Chairman Arthaud addressed the public in the audience and stated that Terry O'Clair, Director of Air Quality division from the ND Health Department was on teleconference. Over the speaker system Terry stated that there were two classes of air quality permits. Class 1 and Class 2. Most of North Dakota follows the Class 2 permitting, and the three units of Theodore Roosevelt National Park are Class 1. Terry stated that restrictions for Class 1 airspace are more stringent. Chairman Arthaud asked what the increments were of pollution that would affect a Class 1 airspace. Terry and Craig Thorstenson stated that the increments of pollution are measured, but that it depends on the pollutant. Chairman Arthaud asked if Class 1 airspace has a boundary, and how they determine which applications will need to go through the dispersion modeling. Terry stated that this would be the first application that will need to go through the more stringent modeling in several years. Chairman Arthaud asked whether the Dakota Prairie Refinery had gone through the Class 1 modeling. Terry

stated that it did not, but that the power plant had been through the Class 1 permitting. Chairman Arthaud asked Terry to discuss the permitting process that Meridian would need to go through. Craig Thorstenson stated that they would need to submit an application, then the Air Quality division would review the application and dispersion modeling with proper controls. Then they would draft a letter for a thirty day public comment period. After reviewing the public comments, they will make a decision. If the application were granted, there are federal standards that the refinery would need to follow due to the Clean Air Act which North Dakota has adopted from the Environmental Protection Agency. If the refinery violated Class 1 airspace, there would be fines and control actions that the state would enforce. If they did not come into compliance with those actions, they could be shut down. Chairman Arthaud requested information on the Class 1 permitting process and asked if it could be found on the ND Health Department website. Terry stated that all regulations and permitting process are there. Chairman Arthaud asked a question regarding potential sulphur byproduct and who would be in charge of that. Terry stated that ND Department of Health has many divisions and the Solid and Hazardous Waste division would need to answer questions related to that. Chairman Arthaud requested that all ND Health Department divisions should be represented at the next commission meeting to answer questions from the public as well as from Meridian. Fintan Dooley was present and requested that the meeting be recorded. Chairman Arthaud stated that anyone is welcome to record the open and public meeting. Loren Bock stated that he would like to see the plans for the water usage. Karen May was present and asked at what cost would this refinery be to the county. There would be no cost to the county for infrastructure. Allan Richard was present and asked about the federal and state in-lieu tax dollars that are decreasing. Chairman Arthaud stated that since Billings County is about half Federal and State land, that the decreased in-lieu taxes have a significant impact. Pat Hedstrup was present and wanted to know where Meridian will get their electricity. Chairman Arthaud stated that the Health Department and Meridian would attend the next meeting which will be scheduled for July 6, 2016. No decision was made on the application at this time. The zoning portion of the meeting ended at 11:20am.

Justin Hyndman from KLJ presented the monthly engineers report.

The board recessed from 12:00 to 1:00 P.M.

The following claims were approved for payment:

PAYEE	CHECK #	AMOUNT
Blue Cross Blue Shield of N.D.	011295	\$ 3,256.20
N.D. P.E.R.S.	011296	\$ 48,304.60
3D Specialties	011297	\$ 163.50
ABC Diesel, Inc.	011298	\$ 375.00
Adams, James W.	011299	\$ 500.00
Alternative Sanitation	011300	\$ 220.00
AmeriPride Linen Service	011301	\$ 394.17
ASC Construction Equipment USA	011302	\$ 267.75
Aspen Mills	011303	\$ 127.42
A T & T Mobility	011304	\$ 78.80
Bauer Built Tire	011305	\$ 1,705.92
Beach Veterinary Clinic	011306	\$ 246.55
Belfield Automotive Supply, Inc.	011307	\$ 1,159.59
Best Energy	011308	\$ 2,974.40
Bierschbach Equipment & Supply	011309	\$ 3,833.00
Billings County Rural Fire District	011310	\$ 73.33
Billings County Pioneer	011311	\$ 132.44
Billings County School District	011312	\$ 500.00
Billings County School District	011313	\$ 730.57
Billings County School District	011314	\$ 100,000.00
Billings County Sheriff	011315	\$ 163.06
Blue Cross Blue Shield of N.D.	011316	\$ 92.10
Boltz Construction	011317	\$ 2,682.50
Boots Bar & Grill	011318	\$ 269.63
Bound Tree Medical, LLC	011319	\$ 1,587.24
Brooks & Associates, C. E.	011320	\$ 5,675.93
Butler Machinery Co.	011321	\$ 7,935.45
Buttons by Fish, Inc.	011322	\$ 4,800.00
Chief Law Enforcement Supply	011323	\$ 155.93
Comfort Suites – Bismarck	011324	\$ 75.00
Creative Energy	011325	\$ 923.19
D & D Sprinkler Systems	011326	\$ 181.00
Dakota Farm Equipment, Inc.	011327	\$ 81.00
Dakota Filter Supply	011328	\$ 71.95
Dakota Insurance	011329	\$ 36.00
Dakota Sports	011330	\$ 900.00
Deans Distributing	011331	\$ 1,791.80
Diamond Truck Equipment	011332	\$ 1,793.22
Dickinson Public Library	011333	\$ 4,239.63
Domestic Violence & Rape Crisis Ctr.	011334	\$ 100,000.00
Dryland Enterprises	011335	\$ 52,238.75
DS Solutions, Inc.	011336	\$ 150.00
East End Auto & Truck Parts	011337	\$ 165.00
Elkhorn Café	011338	\$ 119.00
Emil’s Repair	011339	\$ 1,440.00
Erikson Trucking, Greg	011340	\$ 64,312.50
Fastenal Company	011341	\$ 413.14
Ferguson Enterprises, Inc.	011342	\$ 336.36
Forsgren Associates, Inc.	011343	\$ 8,072.74

Four Corners Café	011344	\$	651.00
George’s Tire, Ltd.	011345	\$	5,747.00
Golden Valley County	011346	\$	20,728.04
Hedahls Auto Plus	011347	\$	2,700.00
Helena Chemical Company	011348	\$	1,961.12
Hlebechuk Construction	011349	\$	92,717.50
Holiday Inn – Fargo	011350	\$	160.20
Industrial Builders, Inc.	011351	\$	2,500.00
J P Steel & Supply, Inc.	011352	\$	72.16
Johnson, Christine	011353	\$	442.20
Johnson, Joshua Q.	011354	\$	1,175.00
Just-In Glass	011355	\$	1,115.40
Kadrmass, Lee, & Jackson, Inc.	011356	\$	120,037.83
Kasian, Connie	011357	\$	82.40
Kasian, Michael E.	011358	\$	112.32
Kastrow, Jason S.	011359	\$	70.00
Kathrein Trucking	011360	\$	25,932.50
Ken’s Trucking	011361	\$	21,230.00
Kessel, Anita F.	011362	\$	93.20
Kessel, Joseph L.	011363	\$	209.30
Kirkwood Scheels	011364	\$	23.96
Kohler Communications, Inc.	011365	\$	1,399.94
Krush, Paul	011366	\$	95.36
Kulish, Randy	011367	\$	225.30
Lamb, Marcia	011368	\$	223.36
Lilly Dog Trucking, LLC	011369	\$	18,716.25
Little Missouri Restaurant & Saloon	011370	\$	95.00
Lyle Signs	011371	\$	283.94
Mainstay Suites – Bismarck	011372	\$	498.00
Malkowski Trucking	011373	\$	75,000.00
MBI Energy Rentals, Inc.	011374	\$	1,520.00
Medora Convenience Store	011375	\$	24.00
Menards – Dickinson	011376	\$	428.76
Midstate Telephone Company	011377	\$	992.78
Mulligan’s Catering	011378	\$	2,670.88
N.D. Association of Counties	011379	\$	2,294.47
N.D. Association of Counties	011380	\$	168.89
N.D. Association of Counties	011381	\$	438.00
N.D. Association of Counties	011382	\$	440.00
N.D. Cowboy Hall of Fame	011383	\$	200.00
N.D. Newspaper Association	011384	\$	74.48
N.D. P.E.R.S.	011385	\$	4,215.36
N.D. State Treasurer	011386	\$	119.64
NDACO Resources Group, Inc.	011387	\$	1,840.19
N.D. L.T.A.P. – U.G.P.T.I.	011388	\$	100.00
Nelson International	011389	\$	1,463.01
Newby’s Ace Hardware	011390	\$	219.01
North Dakota Safety Council	011391	\$	225.00
Northern Improvement Co.	011392	\$	17,250.30
Northern Improvement Co.	011393	\$	1,796,365.90
Northwest Tire, Inc.	011394	\$	1,182.51
O’Brien, Tyler	011395	\$	520.00
Off Road Software, Inc.	011396	\$	695.00
Oldel Trucking	011397	\$	26,478.75
Parkway Ford Lincoln Mercury	011398	\$	619.64
Penguin Management, Inc.	011399	\$	2,268.00
Pitney Bowes, Inc.	011400	\$	378.27
Postmaster	011401	\$	352.00
Pump Systems, Inc.	011402	\$	5,074.99
Putnam, Karen	011403	\$	51.08
RDO Trust 80-5800	011404	\$	11,483.90
Robby Ridl Trucking, LLC	011405	\$	23,575.00
RPM Auto Repair	011406	\$	951.13
Rummel, Patrick	011407	\$	70.00
Runnings Supply, Inc.	011408	\$	817.50
Sanford Health – Bismarck	011409	\$	2,484.00
Sax Motor Co.	011410	\$	117.70
Service Printers	011411	\$	178.10
Share Corporation	011412	\$	287.32
Silver Spurs, LLC	011413	\$	24,667.50
Southwest Business Machines	011414	\$	919.35
Southwest Multi-Co. Correction Ctr.	011415	\$	8,269.04
Southwest Water Authority	011416	\$	1,991.01
Southwest Water Authority	011417	\$	14.64
Southwestern District Health Unit	011418	\$	49.21
Spectra Associates, Inc.	011419	\$	132.95
Stein’s, Inc.	011420	\$	86.65
Swanston Equipment Corporation	011421	\$	866.00
Tczap, John	011422	\$	50.00
Team Laboratory Chemical Corp.	011423	\$	673.50
Tom’s Service Center	011424	\$	223.95
Total Safety U.S., Inc.	011425	\$	395.18
Trappers Inn, Inc.	011426	\$	68.56
True North Steel	011427	\$	21,000.00
Verizon Wireless	011428	\$	2,157.11
Wal-Mart	011429	\$	362.82
WE Transport, LLC	011430	\$	46,316.25
West Dakota Oil, Inc.	011431	\$	19,940.98
Westlie Truck Center	011432	\$	42.78
Winter Equipment Co.	011433	\$	933.17

N.D.P.E.R.S.	011437	\$	34,445.87
Century Link	011441	\$	533.78
Consolidated	011442	\$	61.14
Costas, Amanda	011443	\$	244.88
Discovery Benefits, Inc.	011444	\$	84.00
Ewoniuk, Shelly	011445	\$	71.40
Information Technology Dept.	011446	\$	657.90
Joyce, Denis	011447	\$	39.00
Malkowski, Kathy	011448	\$	316.20
Medora, City of...	011449	\$	377.28
Odermann, Marie	011450	\$	240.48
Pedeliski, Nick E.	011451	\$	62.76
Polensky, Glenella L.	011452	\$	314.04
Polensky, Vernon F.	011453	\$	314.04
Reservation Telephone Cooperative	011454	\$	40.00
Roberts, Teresa	011455	\$	218.92
Rodne, Debbie	011456	\$	210.28
Roughrider Electric Cooperative	011457	\$	3,145.38
Swenson, Sunya	011458	\$	275.10
Verizon Wireless	011459	\$	30.06
Visa	011460	\$	1,090.30
Visa	011461	\$	1,771.35
Weir, Diane	011462	\$	180.00
Weir, H. Patrick	011463	\$	180.00
Muggli, Jane	011464	\$	149.50
Thompson, Philip M.	011465	\$	<u>149.50</u>

At 1:00P.M. the board recessed as the Billings County Commission and convened as The Billings County Board of Equalization. Tax Director Stacey Swanson was present to discuss the valuation changes for 2016. Discussion ensued regarding the income approach on commercial pits and saltwater disposal facilities. Swanson then went over agricultural land production values which are set by NDSU. Soil types were discussed and they are mapped by NRCS. Director Swanson went over the changes in agricultural, commercial and residential values. Roger Kessel was present to discuss the change in valuation of his property with his garage newly assessed. No change was made to the individual assessment. Kessel moved to approve the tax assessments as presented by Tax Director Swanson. Kasian seconded. All voted aye.

At 1:30, the board recessed as the Billings County Board of Equalization and convened as the Billings County Commission.

Auditor Lamb presented a prior request from Domestic Violence Rape and Abuse Crisis Center for funding of their facility. They are the only shelter that provides services for eight counties. Kasian moved to approve \$100,000 donation which is the same as Dunn County. Kessel seconded. All voted aye.

The board approved the revenue vouchers for the month of May: Recorder \$5,071.10; Zoning \$2,411.26; Court \$30.00; Sheriff \$0.

Revenues for materials and/or services rendered in May: Cody Armbrust \$263.75 scoria & hauling

Revenues for the month of May: Sheriff \$62.40 overload fees; Sheriff \$12,001.21 permits; EMS \$34,466.40; Highway Tax Distribution \$12,465.90; Oil & Gas Production Tax \$236,896.89; Interest \$6,039.41; Royalties \$17,591.26; Unorganized Oil & Gas Production Tax \$36,729.00; State Oil Impact \$32,293.68; Bank Head Jones \$4,641,618.76; Fireworks Permits \$196.00.

Payroll in the following amounts were approved for May: General Fund \$129,516.69; Road and Bridge Fund \$131,353.07; Weed Fund \$8,553.59.

With there being no further business, Kasian moved to adjourn the meeting 2:15P.M. Kessel seconded. All voted aye.

James Arthaud, Chairman

Attest: _____

Marcia Lamb, Auditor/Treasurer